

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

FRANK SOLOMON FEDD, SR.,	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
Warden THOMAS AMMONS and	:	
Health Service Administrator ELAINE	:	NO. 1:08-CV-110 (WLS)
HUTTO,	:	
Defendants	:	<u>RECOMMENDATION</u>

Plaintiff **FRANK SOLOMON FEDD, SR.**, has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. Accompanying his complaint is a request for a preliminary injunction (Tab # 3). In his motion, plaintiff seeks injunctive relief in the form of a court order directing the defendants to, *inter alia*, perform an “evaluation/biopsy” of his liver.

A preliminary injunction is appropriate where the movant demonstrates that: (a) there is a substantial likelihood of success on the merits; (b) the TRO or preliminary injunction is necessary to prevent irreparable injury; (c) the threatened injury outweighs the harm that a TRO or preliminary injunction would cause to the non-movant; and (d) the TRO or preliminary injunction would not be averse to the public interest. *Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034-35 (11th Cir. 2001).

At this juncture, the facts have not been sufficiently developed to determine there is a substantial likelihood that plaintiff will ultimately prevail on the merits. Moreover, the defendants have not had an opportunity to respond to plaintiff’s allegations. Accordingly, it is **RECOMMENDED** that plaintiff’s motion for a preliminary injunction be **DENIED**

Under 28 U.S.C. § 636(b)(1), plaintiff may serve and file written objections to this recommendation with the district judge to whom this case is assigned, within ten (10) days after being served a copy of this order.

SO RECOMMENDED, this 29th day of July, 2008.

/s/ Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE